IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 877 of 1999

WITH

CIVIL APPLICATION No. 4397 of 2001

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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EXECUTIVE ENGINEER - Petitioner(s)

Versus

PATELIA RAMANBHAI MASURBHAI - Respondent(s)

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Appearance :

MR HS MUNSHAW for Petitioner No(s).: 1.

MR DIPAK R DAVE for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 27/07/2005

ORAL JUDGMENT

1.0 The petitioner has challenged the award dated 13.11.1998 passed by the Labour Court, Godhra in

Reference LCG No.209 of 1997, whereby the petitioner was directed to reinstate the respondent as a Rojamdar without any back wages.

2.0 The brief facts of the case are that the respondent herein was employed as a daily wager in 1980 by the petitioner for doing the work of a Helper. Since the work for which he was employed was over, his services were dis-continued in 1985. Against the said action, the respondent raised a dispute, which, ultimately, culminated into a reference being Reference No.276 of 1992. The Labour Court by award dated 09.12.1994 directed the petitioner to reinstate the respondent workman.

2.1 Being aggrieved by the said award, the petitioner preferred application being Misc. Application No.12 of 1995 in the aforesaid reference for restoration of the reference which came to be allowed and the reference was then restored by a new number being Reference LCG No.209 of 1997. Thereafter, the Labour Court by impugned award dated 13.11.1998 partly allowed the reference as aforesaid. Hence, this petition.

3.0 I have heard learned counsel for the parties and

perused the documents placed on record. I am in complete agreement with the reasonings given by and the findings arrived at by the Labour Court and find no reason to interfere in this petition. Hence, the petition is dismissed. Rule is discharged with no order as to costs. Since the main matter has been disposed of, the civil application shall not survive, it stands disposed of accordingly.

(K. S. JHAVERI, J.)

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